

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

v.

2.215 ACRES OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE OF
TEXAS, AMERICO ELOY GARCIA, *et al.*,
Defendants.

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CIVIL ACTION NO. 7:20-cv-00330

**JOINT STIPULATION FOR REVESTMENT AND
MOTION FOR ENTRY OF FINAL JUDGMENT**

Plaintiff, United States of America and Defendants, Americo Eloy Garcia and Mary Jane Ornelas-Garcia (formerly Mary Jane Garcia) (collectively, hereafter “the Parties”) do hereby stipulate to the revestment of interest taken in Tract RGV-RGC-6011—as described in the Declaration of Taking¹, and more specifically described in Schedules “C”, “D”, and “E” of said Declaration of Taking.²

The Parties further stipulate and agree as follows:

A. Background

1. On October 16, 2020, Plaintiff, United States of America (“United States”) filed a Declaration of Taking and Complaint in Condemnation for the taking of a fee simple interest in 2.215 acres of land, more or less, identified as Tract RGV-RGC-6011 (hereinafter “Subject Property”), being out of Share 7, Porcion 73, Ancient Jurisdiction of Camargo, Mexico, located in Starr County, Texas, as more particularly described in the Declaration of Taking and Complaint filed in this matter.³

¹ Dkt. 2.

² Dkt. 2-1 at 6-7, 9-12, 14-15.

³ See Dkts. 1 and 2.

2. On October 23, 2020, the United States deposited into the registry of the Court its estimated just compensation in the amount of \$65,395.00 for the fee taking of the Subject Property.⁴ Pursuant to 40 U.S.C. § 3114(b)(1), the filing and the deposit immediately vested title to the Subject Property in the United States by operation of law.

3. On July 22, 2021, after consideration of the Parties' briefs on this issue of title ownership of the Subject Property, the Court found Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia to be the sole owners of the Subject Property on the date of taking and effectively dismissing all other parties named in the case.⁵

B. Stipulation of Revestment

4. Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.⁶

5. The United States and Defendants jointly stipulate and agree that all right, title, and interests acquired by the United States associated with or appurtenant to the Subject Property hereby are **REVESTED** back to Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia with all title and rights as existed immediately before the filing of the Declaration of Taking and title vesting in the United States.

6. Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia hereby agree to accept such **REVESTMENT** of the Subject Property.

7. The legal descriptions and surveys of the Subject Property that are being **REVESTED** to Defendants are found in Schedules "C" and "D", of the Declaration of Taking,⁷ and are attached hereto as **Exhibits 1 and 2**.

⁴ Dkt. 5.

⁵ Dkt. 24 at 5.

⁶ 40 U.S.C. § 3117.

⁷ Dkt. 2-1 at 6-12.

C. Stipulation Regarding Just Compensation and Motion for Final Judgment

8. The Parties further make a stipulation as to the just compensation owed for the time that the United States held title as to the Subject Property, and move for final judgment and termination of this case as follows:

A. The Parties agree that the full and just compensation payable by the United States for the time that the United States held title as to the Subject Property is the sum of eight hundred and 00/100 dollars (\$800.00). This sum is all-inclusive and in full satisfaction of any claims of whatsoever nature by Defendants against the United States for the institution and prosecution of the above-captioned action. Defendants further agree to waive any and all claims for additional compensation of any nature against the United States arising from the United States' acquisition of the Subject Property.

B. The Parties now respectfully request that judgment be entered against the United States in the amount of eight hundred and 00/100 dollars (\$800.00) for the time that the United States held title as to the Subject Property, along with any accrued interest.

C. Upon the Court's Order entering judgment in accordance with the instant stipulation of just compensation, the Parties seek immediate distribution of the total sum⁸ on deposit as follows:

- The sum of \$800.00, along with any accrued interest earned thereon while on deposit, payable to the order of "Jones, Galligan, Key & Lozano, L.L.P.," counsel for Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia; and
- The remaining sum of \$64,595.00, with accrued interest, payable to the order of "F&A Officer, USAED, Fort Worth," with the check referencing "Tract No. RGV-RGC-6011."

D. Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia warrant that (a) they are the owners of the interest in the property taken in this proceeding on the respective dates of taking, (b) they have the exclusive right to the compensation set forth herein, excepting the interest of party having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

E. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the properties taken in this proceeding, Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate

⁸ At this time, \$65,395.00, plus accrued interest, is on deposit in the Court's Registry which amount was deposited on October 23, 2020 (Dkt. 5).

provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia, to the date of repayment into the Registry of the Court.

F. The Parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.

G. The Parties shall take no appeal from any rulings or judgment made by the Court in this action, and the Parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulation.

H. This joint stipulation and motion are binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

I. The Parties request that the Court enter an Order of Final Judgment reflecting this Stipulation and closing this case.

Respectfully submitted,

FOR DEFENDANTS:

FOR PLAINTIFF:

JENNIFER B. LOWERY

United States Attorney
Southern District of Texas

s/Gregory P. Kerr w/ permission

GREGORY P. KERR

Attorney-in-Charge for Defendants

Federal I.D. No. 2248227

State Bar No. 24078781

Email: gkerr@jgkl.com

LANCE A. KIRBY

S.D. Tex. ID No. 21811

Texas Bar No. 00794096

Email: lakirby@jgkl.com

JONES, GALLIGAN, KEY & LOZANO,
L.L.P.

2300 West Pike Blvd., Suite 300

Weslaco, Texas 78596

Telephone: (956) 968-5402

Facsimile: (956) 969-9402

Attorneys for Defendants

Americo Eloy Garcia and Mary Jane
Ornelas-Garcia

By: *s/Baltazar Salazar*

Baltazar Salazar

Assistant United States Attorney

Attorney-in-Charge for Plaintiff

S.D. Tex. ID No. 3135288

Texas Bar No. 24106385

UNITED STATES ATTORNEY'S OFFICE

SOUTHERN DISTRICT OF TEXAS

600 E. Harrison Street, Suite 201

Brownsville, Texas 78520

Tel: (956) 983-6057

Fax: (956) 548-2775

E-mail: Baltazar.Salazar@usdoj.gov

CERTIFICATE OF SERVICE

I, Baltazar Salazar, Assistant United States Attorney for the United States of America, do hereby certify that on May 6, 2022, a copy of the foregoing was served on all parties in accordance with Federal Rules of Civil Procedure.

s/ Baltazar Salazar
Baltazar Salazar
Assistant United States Attorney